

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT FOR UTAH JUN 12 2018

351 SOUTH WEST TEMPLE ROOM 1.100

SALT LAKE CITY UTAH

D. MARK JONES, CLERK
BY _____
DEPUTY CLERK

ALICIA KESLER, and CLASS]
PLAINTIFF and FIRST RELATOR,]
pro se, qui tam pro domino rege quam pro se]
ipso in hac parte sequitur]

CIVIL ACTION NO.

v.

COUNTRYWIDE HOME LOANS,]
SCOTT LUNDBERG ASSOCIATES,]
J. SCOTT LUNDBERG,]
ARGENT MORTGAGE,]
BACKMAN STEWART TITLE CORPORATION,]
FIRST FRANKLIN FINANCIAL CORPORATION,]
FIDELITY NATIONAL TITLE,]
PNC FINANCIAL SERVICES GROUP,]
One Time Owner by Acquisition of]
National City Mortgage Loan Trust 2005-1, and]
FIRST AMERICAN TITLE,]
SELECT PORTFOLIO SERVICING, and]
ANGELA ATENA, GREG OTT, GARY OTT,]
CHARLES BROWN & ASSOCIATES, PLLC,]
DBA dOCsOLUTION, INC.]
eTITLE INSURANCE, and]
SHELLPOINT, LLC, and]
MTGLQ INVESTORS]
NEW PENN FINANCIAL, LLC, dba]
SHELLPOINT MORTGAGE SERVICING,]
STEPHANIE WESSEL, KEVIN MORAN,]
MARISSA RAMSEY]
THE TRUSTEE COMPANY, and]
LUNDBERG & Associates, PC,]
RM LIFESTYLES ,]
JOHN DOE or MARY ROWE (10)]

Case: 2:18-cv-00469
Assigned To : Shelby, Robert J.
Assign. Date : 6/11/2018
Description: Kesler v. Countrywide
Home Loans, et al

6. Current or past investors of record in Residential Mortgage Backed Securities (RMBS) originated, underwritten, marketed or serviced by COUNTRYWIDE HOME LOANS, ARGENT MORTGAGE, SCOTT LUNDBERG ASSOCIATES, PNC FINANCIAL SERVICES GROUP, SELECT PORTFOLIO SERVICING, eTITLE INSURANCE, FIRST AMERICAN TITLE, NATIONAL CITY BANK, WELLS FARGO BANK, FIRST FRANKLIN CORP., HOME LOAN SERVICES, CHARLES BROWN AND ASSOCIATES, DOCSOLUTIONS, MTGLQ SECURITIES, SHELLPOINT, TRUSTEE SERVICES, or it's subsidiaries, DEFENDANTS;; excepting such investors who play no management or decision-making role in selection by a QIB or fund manager for an index or balanced fund, pension, or annuity;

7. ATTORNEYS OF RECORD;

8. TRUSTEES OF RECORD;

9. MONEYCHANGERS OF THE TEMPLE.

NOTE:

-If you or your significant others make your living loaning money at interest, or in real estate speculation and trading, 'flipping houses,' or are now bankrupt, homeless, or economically diminished by such actions of others, you may have strongly held personal opinions that should prompt your recusal from this case.

-If you are currently a class member under the administrative oversight of

Joseph A. Smith, mortgagesettlementoversight.com, due to a past association with Bank of America, JP Morgan/Chase, Citibank, Wells Fargo, Ocwen, Ally GMC, Greentree, SunTrust, Deutsche Bank, UBS, Royal Bank of Scotland, PHH Mortgage or their subsidiaries, you should consider recusal from this case.

-If you are a managing officer or stockholder of a financial entity corporation under current ongoing investigation or action by SEC or US DOJ, or an investigator or enforcement agent involved in such current ongoing investigation, even though such investigation or action may be currently proceeding under seal, you should consider recusal from this case.

-If you work in law enforcement, or as a principal or partner in a law practice which serves an inordinate concentration of either plaintiffs or defendants, you should consider recusal from this case.

/s/ Alicia Kesler, pro se, qui tam Jeffery Sessions, USAG 1 June 2018

IF YOU ARE NOT SUCH AN INTERESTED PERSON, PLEASE PROCEED

**Alicia Kesler, pro se, qui tam
5313 West Vista Peak Drive
West Jordan, Utah 84081
801.759.6657
aliciakesler@yahoo.com**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW PLAINTIFF and FIRST RELATOR, Alicia Kesler, who files this Complaint for Rescission and Restitution of Property, in the interest of Justice and Fairness, and asks this Honorable Court to find in favor of PLAINTIFF, and CLASS, and against COUNTRYWIDE HOME LOANS, ARGENT MORTGAGE, SCOTT LUNDBERG ASSOCIATES, PNC FINANCIAL SERVICES GROUP, SELECT PORTFOLIO SERVICING, eTITLE INSURANCE, FIRST AMERICAN TITLE, NATIONAL CITY BANK, WELLS FARGO BANK, FIRST FRANKLIN CORP., HOME LOAN SERVICES, CHARLES BROWN AND ASSOCIATES, DOCSOLUTIONS, MTGLQ SECURITIES, SHELLPOINT, TRUSTEE SERVICES, or it's subsidiaries, DEFENDANTS, or it's subsidiaries regarding PLAINTIFF's claims of CONSUMER FRAUD, as stated herein, and in support thereof show unto the Court the following:

1. That PNC FINANCIAL SERVICES GROUP, the purported lender, no longer existent, has no standing in this case to assert a collateral right to the property once owned by the PLAINTIFF, and;
2. That SELECT PORTFOLIO SERVICES, has no servicing rights in succession to FIRST FRANKLIN FINANCIAL CORPORATION. after abandonment of subject property, and has no cause of action, and;
3. That this mortgage backed security interest has been vacated and abandoned by the dissolution of National City Mortgage Loan Trust 2005-1, a corporation, on 28 October 2010 after acquisition in toto of all assets of National City Bank on 31

December 2008 by PNC FINANCIAL SERVICES GROUP;

4. That eTITLE INSURANCE has violated their duty of fair dealing as trustee in concealment of these well-known facts and in consequent participation in notice of default and public sale by the State of Utah of the subject property, constituting an unlawful taking of real property from the owner, the PLAINTIFF;

5. That LUNDBERG and Associates, and Trustee Services, Inc., a captive corporation, both doing business at the same address, has provided enabling counsel and concealment to the fraudulent actions of the DEFENDANTS;

6. That the ease and efficacy of this instant process, without proper judicial oversight, currently proceeds successfully, unopposed and without effective regulation in twenty eight other States, exposing a like CLASS to similar hazard, and motivates Alicia Kesler to assume a regulatory mantle in this matter, qui tam USAG Jeffery Sessions. We adopt our mission and are pledged to pursue this matter to extinction.

DISCOVERY CONTROL PLAN LEVEL

6.1 Pursuant to Rule 26 of the Federal Rules of Civil Procedure, PLAINTIFFS intend to conduct discovery in this case under Level 3.

7. Records of further DEFENDANTS' actions and productions and including identification of other adverse parties are recorded in electronically stored information in the possession of DEFENDANTS.

8. PLAINTIFFS have concern over spoliation of such records and hereby move for production of such electronically stored information for discovery and preservation.

PARTIES AND SERVICE

9. PLAINTIFF Alicia Kesler is an individual whose mailing address is **5313 West Vista Peak Drive, West Jordan, Utah 84081801.759.6657**. The last three digits of Alicia Kesler's US Passport are _____. PLAINTIFF has standing in this cause due to real and consequential damages sustained by PLAINTIFF in course of Defendants' fraudulent and predatory business activity, the unlawful seizure and sale of her homestead property.

10. DEFENDANT PNC FINANCIAL SERVICES GROUP does business for more than 160 years in 50 United States managing a portfolio of ~\$366BN, or ~6% of the US Housing Market. PNC FINANCIAL SERVICES GROUP may be served at **222 Delaware Avenue, Wilmington Delaware 19899**. PLAINTIFF has standing in this cause due to real and consequential damages sustained by PLAINTIFF in course of Defendants' normal business activity. PLAINTIFF is acting as First Relator following an initial meeting with Federal Bureau of Investigation / United States Department of Justice on 8 March 2018 to disclose Statement of Facts as a Confidential Informant and to offer to assist any investigation that may have been ongoing at that time. Presently we are unaware of any ongoing investigation. PLAINTIFF is bringing this action as FIRST RELATOR qui tam the current USAG Jeffery Sessions and the Consumer Financial Protection Bureau, pursuant to CFPB #140506-00027, and in behalf of all members of class who have sustained or are currently incurring damages through

the illegal and unlawful business practices of Select Portfolio Servicing.

9.5 Under the Financial Institution Reform, Recovery, and Enforcement Act (FIRREA):

12 U.S.C § 1833 (a) In general – Whoever violates any provision of law to which this section is made applicable by subsection (c) shall be subject to a civil penalty in an amount assessed by the court in a civil action under this section.

...

(c) **Attorney General to bring action.** A civil action to recover a civil penalty under this section shall be commenced by the Attorney General.

The legislative history of FIRREA explains the purpose of FIRREA and the method for obtaining the civil penalty as follows:

The Committee believes that the enhancement of the regulatory powers and criminal justice provisions should go far in restoring public confidence in the nation's financial system and serve to protect the public interest. This title gives the regulators and the Justice Department the tools which they need **and the responsibilities which they must accept**, to punish culpable individuals, to turn this situation around, and to prevent these tremendous losses to the Federal Deposit insurance funds (due to the savings and loan crisis) from ever again recurring. "The Attorney General recovers the civil penalty through a civil action brought in a United States District Court." – H. Rep. No. 101-54, Part I (May 16, 1989) (H.R. 1278), at 465-66; 472.

PLAINTIFF is acting locally in behalf of the United States Attorney General in this matter.

10. [DELETED]

11. DEFENDANT SELECT PORTFOLIO SERVICING is a private corporation

headquartered in Salt Lake City, Utah and operates throughout the United States.

Defendant operates as a debt collector, with purpose of maximizing Return on Equity in disposing of distressed mortgaged properties obtained from others. SELECT PORTFOLIO SERVICING currently has 989,682 unresolved customer complaints on the CFPB open database (0946 CDT, 03/16/2018 query), excluding complaints posted in last 14 days, and accumulates >800 per day. Today, Registered Agent may be served at **PO Box 65250, Salt Lake City, Utah 84165-0250.**

12. DEFENDANT eTITLE INSURANCE may be served at **3269 South Main Street # 100, Salt Lake City, Utah 84115.**

13. DEFENDANT SHELLPOINT MORTGAGE SERVICING may be served at **PO Box 10826 / Greenville, SC 29603-0826.**

14. DEFENDANT TRUSTEE SERVICES, INC. may be served at **PO Box 10826 / Greenville, SC 29603-0826.**

15. DEFENDANT SCOTT LUNDBERG and Associates, and Defendant Scott Lundberg, may be served at **3269 South Main Street #100 / Salt Lake City, UT 84115.**

16. Defendant COUNTRYWIDE HOME LOANS no longer exists and is hereby dismissed from this action.

17. Defendant ARGENT MORTGAGE no longer exists and is hereby excused from this action.

18. Defendant PNC FINANCIAL SERVICES GROUP no longer exists and is hereby dismissed from this action.

19. Defendant eTITLE INSURANCE, a shell company held by Scott Lundberg & Associates, may be served at 3269 South Main Street, Ste 100, Salt Lake City, Utah 84115.

20. Defendant FIRST AMERICAN TITLE, a subsidiary of First American Financial Corporation, may be served at 3269 South Main Street, Ste 100, Salt Lake City, Utah 84115.

21 Defendant NATIONAL CITY BANK no longer exists and is hereby dismissed from this action.

22. WELLS FARGO BANK is an unindicted coconspirator and is hereby excused from this action. LET YE TAKE NOTICE OF THE ERROR OF YOUR WAYS.

23. Defendant FIRST FRANKLIN FINANCIAL CORPORATION no longer exists and is hereby dismissed from this action.

24. Defendant HOME LOAN SERVICES, f/k/a National City Home Loan Services, now merged into BAC Home Loan Services may be served at 150 Allegheny Center, Pittsburgh, PA 15212-5335.

25. Defendant CHARLES BROWN AND ASSOCIATES, dba DOCSOLUTIONS, Servicing the Mortgage Servicing Industry is all we do. Since 1983, our team of experts have utilized some of the most cost efficient processes in the entire industry to successfully release and reconvey more than 800,000 liens. That said, our services are focused on serving our customers' needs and solving their problems. We take care of necessary due diligence, recording, tracking and subsequent steps in lien servicing. And we do this in more than 3600 U.S. jurisdictions every year. Most of all, we know that the best of processes, which we employ, may save time and money, but are almost worthless without one simple step. A smile. Give us a call today to find out more: 866-941-

4928 or email info@docsolution.com.

May be served at 2316 Southmore Avenue, Pasadena, TX 77502.

26. Defendant MTGLQ SECURITIES, dba SHELLPOINT, dba TRUSTEE SERVICES, all may be served at parent GOLDMAN SACHS, 200 West Street, New York, NY 10282.

27. Agents or Actors of any of the listed corporations above, herein captioned and referred to as John Doe or Mary Rowe, will be served as discovery proceeds and reveals their individual involvement in these matters.

JURISDICTION AND VENUE – FEDERAL DISTRICT COURT OF UTAH

16. The subject matter in controversy is within the jurisdictional limits of this Court. Fraudulent acts, consumer fraud, were committed and continue in commission by a foreign corporation, and individual actors acting in many United States locations, with adverse results to the PLAINTIFF, who resides in Utah. All DEFENDANTS have offices or registered agents convenient to this venue. Criminal acts were coordinated by more than four individuals, more than three times, in violation of Title 18 U S Code Section 151, Paragraph 4 – Submission of False Claims and numerous violations of the Financial Institution Reform Recovery and Enforcement Act of 1989, and Federal Fair Debt and Collection Practices Act, and Real Estate Settlement and Procedures / Truth-in-Lending Act / Regulation X of 2015. The pattern of fraudulent activity in the course of mortgage service and wrongful seizure of property conforms to a pattern of specific

prohibited behavior leading to recent consent judgments filed in US District Court with Chase/JP Morgan, Ocwen, Citigroup, Bank of America, Wells Fargo, Ally/GMAC, UBS, RBS, Suntrust, and 49 of 50 United States Attorney Generals, including Utah, and current enforcement class action toward Ocwen and PHH Mortgage. We are asking for enforcement of those agreements as a pattern setting agreement within the industry and the State of Utah. Amount of damages and claims in dispute is expected to exceed \$75,000 in each instance.

17. Nonjudicial foreclosure, excluding fraudulent action, is permissible in Utah, and twenty-eight other states in America. Such actions are not permissible elsewhere. Fraudulent action is not permissible anywhere in the United States. We will be applying for certification of a CLASS of individuals, such as Alicia Kesler. Alicia has standing in this instance as Class Member 0, and First Relator, on 8 April 2018. Alicia, as a pro se litigant, may only be premitted to act in her own behalf, at any court in the land. **On certification of this complaint, and issuance of Summons to Appear, Alicia will move for assignment of licensed and certified Class Counsel, as selected by the court, from designated and available US Attorney resources, to work at her direction.**

18. In view of the consent judgments with Chase, Ocwen, Citigroup, Wells, RBS, Credit Suisse, and Bank of America, we are requesting a jury trial in this matter. This group of judgments represent the largest settlements achieved to date in this arena, with recoveries to date of more than \$20BN in penalties and restitution. The executive

branch, through DOJ, has been acting as investigator, prosecutor, judge, jury and sentencer without any review or approval of its unilateral and largely secret actions. Better Markets, Inc., a public service advocacy, is currently petitioning for open judicial review of the Chase judgment, in order to reveal the dimensions of the illegal conduct by a private entity that may or may not have caused or contributed to the financial crash and consequent economic wreckage that has affected virtually every American property owner of the last thirty years. Remarkably, this activity continues unabated, with no regulatory guidance for others in the industry such as Shellpoint or SPS other than fear of extortion, and satisfactory financial reserves, should they be caught up in the witch hunt. A jury must be selected, and be able to review openly the facts of the investigation, the underlying illegal conduct and identity of the actors, the specific violations committed, the consequences of the actions, the benefits of the actions to the DEFENDANTS, the damages inflicted on the PLAINTIFFS, and whether any penalties assessed are fair, adequate, reasonable and in the public interest, and able to provide clear guidelines for future behavior. The imperative for real and responsible judicial review is all the more important because of the considerable financial size of the charges, and that the DOJ and the Attorney General have an apparent conflict of interest, if not a motive to accept a seemingly strong but actually weak and inadequate settlement that could not pass judicial scrutiny. We cannot have one standard of justice for Wall Street, and another for Main Street.

19. The jury will also be expected to exercise its judgment regarding the penalty phase, if applicable, regarding the acts of commission or omission of PNC and SPS, and

accounting for the Defendants degree of scienter, the extent of the injury to the public, whether the Defendants' conduct created substantial losses to other persons, the egregiousness of the violations, the isolated or repeated nature of the violations, and the defendants' financial condition and ability to pay. A jury to date has never been afforded the opportunity to consider such question in these matters.

20. Federal courts have the inherent authority to decide cases that are extraordinarily complex and far-reaching in their impact on a large number of injured parties, an important industry, or the wider public interest. This is a case where the use of that inherent authority is essential.

21. [DELETED]

22. The DEFENDANTS are in continual violation of the Fair Debt Collection and Practices Act to all of their clients in failing to identify themselves as a debt collector and structuring it's business on trading of debt obligations and collection of fees.

FACTS

23. PLAINTIFF is the record owner of the property is located at 7508 West Perennial Drive, Magna, Utah, Salt Lake County, more specifically described as LOT 209, EVERGREEN FARMS, PHASE 2, SUBDIVISION, ACCORDING TO THE ORIGINAL PLAT THEREOF ON RECORD AND ON FILE IN THE SALT LAKE COUNTY RECORDER'S OFFICE.

24. Salt Lake County Recorder shows a Deed of Trust to Secure an Indebtedness in

the amount of \$27,900 recorded on 14 January 1998 by Trustor Trade West Development in favor of 3D Lending Company, Trustee Meridian Title Company. This indebtedness has apparently never been satisfied by the deceased.

25. Salt Lake County Recorder shows a Deed of Trust to Secure an Indebtedness in the amount of \$156,800 recorded on 5 May 2002 by Trustor Alicia D. Kesler, an Unmarried Woman, in favor of CW Home Loans, America's Wholesale Lender. Trustee is Scott Lundberg.

25.1 Salt Lake County Recorder shows a HELOC Deed of Trust to Secure an Indebtedness in the amount of \$14,665 recorded on 13 November 2003 by Trustor Alicia D. Kesler, an Unmarried Woman, in favor of Amgen Financial.

25.2 Salt Lake County Recorder shows a Deed of Trust to Secure an Indebtedness in the amount of \$182,700 recorded on 14 April 2004 by Trustor Alicia D. Kesler, an Unmarried Woman, in favor of Argent Mortgage. Trustee is Backman Stewart Title Services. We believe this represents the commingling of funds from the CW and Amgen mortgages, neither with a quitclaim recorded, for \$153,647.78 and \$14,665, a total of \$168,312.78, and a rounding error of \$14,387.22 in favor of the two trustees, Scott Lundberg and Backman Stewart. We seek only restitution in this action, as criminal matters are outside of our permitted scope of prosecution or jurisdiction in this court.

29. Salt Lake County Recorder shows a Substitution of Trustee by Scott Lundberg in favor of Fidelity National Title on 9 July 2004. Neither Trustee has recorded a balancing report. Fidelity National Title no longer appears in this matter.

30. Salt Lake County Recorder shows a Deed of Trust to Secure an Indebtedness in the amount of \$42,000 recorded on 16 December 2004 by Trustor Alicia D. Kesler, an Unmarried Woman, in favor of FIRST FRANKLIN FINANCIAL CORPORATION, Trustee First American Title. This is noted as a BALLOON NOTE RIDER. Such securities, having neither a commitment to lend, or a promise to pay, have no legal existence.

30.1 Salt Lake County Recorder shows a Deed of Trust to Secure an Indebtedness in the amount of \$168,000 recorded on 22 December 2004 by Trustor Alicia D. Kesler, an Unmarried Woman, in favor of FIRST FRANKLIN FINANCIAL CORPORATION, Trustee First American Title. We believe that this is a fraudulent record, of which agreement Alicia was not aware. The two combined notes of \$42,000 and \$168,000 total \$210,000, in satisfaction of a debt of \$181,590.92, and a rounding error in favor of the trustees of \$28,409.08. We seek only restitution in this action, as criminal matters are outside of our permitted scope of prosecution or jurisdiction in this court.

31. Salt Lake County Recorder shows an Assignment of Beneficial Interest, on 2 June 2008, of FIRST FRANKLIN FINANCIAL CORPORATION to WELLS FARGO BANK, N.A. as Trustee for NATIONAL CITY MORTGAGE LOAN TRUST 2005-1, a bankruptcy remote structured corporation. We believe this beneficial interest has been abandoned by pre-existent bankruptcy of FIRST FRANKLIN, and is fraudulent.

32. Salt Lake City County Recorder shows a Substitution of Trustee, on 14 August 2008, of eTitle Insurance Agency, by Home Loan Services, as Servicer. We believe that this is a fraudulent record.

33. NATIONAL CITY BANK was acquired by PNC FINANCIAL SERVICES GROUP on 31 December 2008.

34. PNC FINANCIAL SERVICES GROUP dissolves NATIONAL CITY MORTGAGE LOAN TRUST 2005-1, a bankruptcy remote corporation, on 31 August 2010.

34.1 After this date, the subject property is considered abandoned by the bankrupt mortgagee, and retained unencumbered by the debtor in possession. Quiet title has never been recorded.

35. On 21 July 2011, Alicia Kesler executes an agreement with Select Portfolio Servicing, a debt collector fraudulently representing themselves as a mortgage originator and servicer, for modification of a mortgage contract of 16 December 2004. The new term is for 40 years, 480 payments, through 1 July 2051, against an unpaid principal balance of \$146,755.03 and a deferred principal balance of \$35,936.41, a total of \$182,691.44 (face value of \$182,700 original mortgage, including an error in the bank's favor of \$35,936.59, and including a deferred balance, non-interest-bearing, of \$35,936.41. The first five years include a payback of \$2,062.15 toward an escrow shortage. APR is set at 2.00% for 60 months, 3.00% for next 12 months, 4.00% for next 12 months, and 4.50% through Year 40. The filing contract is not executed by Select Portfolio Services. We believe that this contract is erroneous and fraudulent, and a pure fabrication by DocSolutions for economic gain of Select Portfolio Services. A copy of a page of this contract is produced in 2017 in connection with a report of Distribution of Assets of Public Sale, signed by Greg Ott in 2011 as V-P SPS.

36. On 8 September 2016 SPS issues denial of loss mitigation assistance, and notice

of intent to sell property in next seven days. No affidavit or validation of debt is supplied.

37. On 2 August 2017, Salt Lake County Recorder enters substitution by Shellpoint Mortgage Servicing of Trustee Services, Inc. for First American Title, trustee for a \$42,000 mortgage of 16 December 2004. This is a confused description of the previously noted balloon mortgage. This instruction is fraudulent, in order to preposition a captive trustee for disposition of public sale proceeds.

38. On 3 September 2017, the prepositioned strawman trustee, Trustee Services, Inc., filed a notice of default with the Salt Lake County Recorder on the \$42,000 mortgage of 16 December 2004.

39. On 25 September 2017, Alicia Kesler filed for Chapter 13 bankruptcy in an unsuccessful attempt to enjoin sale of her home.

39.1 On 25 September 2017, Trustee Services, Inc., foreclosed and sold the subject property to RM Lifestyles LLC for \$247,100. With erroneous application to escrow of \$168,000 against security, and \$66,610.98 in unusual, uncustomary, unreasonable and unaudited fees, the balance of \$12,489.02 was lodged with the court for claim by persons unknown.

39.2 These funds remain unclaimed, and are at this writing under separate audit.

39.3 ~~PLAINTIFF has presented to SPS a Notice of Error without response.~~

39.4 All facts confirming details provided by PLAINTIFF are contained in Electronically Stored Information held by Defendants and maintained with their standard business practices. In the course of discovery, forensic copies will be attained and examined by

a third party, and details will be stipulated by all parties.

39.5 After examination of forensic information thus attained, named actors (JOHN DOE or MARY ROWE) for Defendants will be identified and deposed.

40. PLAINTIFF has filed her complaint vs. the Defendant with the CFPB. In the course of discovery we will obtain the Defendants' response and file with the court. SPS currently has 989,682 consumer complaints filed with the CFPB

(<https://data.consumerfinance.gov/dataset/Consumer-Complaints/s6ew-h6mp>),

due to similar activities as stated in this claim. PLAINTIFF incorporates into this CLASS action each and every complaint.

41. There is widespread consensus among academic experts, policy makers, and regulators that the type of illegal conduct underlying the normal business activities of SPS as a mortgage holder or processor was one of the central causes of the Financial Crisis and, therefore, damages are likely to be historically high. Ref. FINANCIAL CRISIS INQUIRY COMMISSION, THE FINANCIAL CRISIS INQUIRY REPORT:FINAL REPORT OF THE NATIONAL COMMISSION ON THE CAUSES OF THE FINANCIAL AND ECONOMIC CRISIS IN THE UNITED STATES, 165-69 (2011) available at http://www.hsgac.senate.gov//imo/media/doc/Financial_Crisis/FinancialCrisisReport.pdf and attached As Exhibit P-xx.

43. PLAINTIFF has therefore been required to expend substantial resources of time and effort to defend a wrongful foreclosure, in regards to the original lenders unsecured Debt.

COUNT I: CONSUMER FRAUD – THE FIRST RELATOR

45. PLAINTIFF re-allege and incorporate by reference the foregoing allegations.

46. The Defendants foreclosure action was fraudulent and wrongful. The debt was prepaid by both a large amount and considerable time, though unrecognized by all Defendants. Therefore any notice, acceleration, default or any other notice by defendants has always been without merit and ineffective. All actions of defendants in preparation and pursual of wrongful foreclosure action have been concerted willful and direct violations of Federal Fair Debt Collection Practice Act as most recently interpreted and codified in Consent Judgment of 19 December 2013 in District Court District of Columbia Consumer Financial Protection Board and All States Attorney General, including Utah, vs OCWEN. Attached Exhibit "P-xx" 192716821-Consent-Judgment.

47. All Defendants have purposefully, intentionally, and wrongfully violated the Federal Fair Debt Collection Practices Act and constructed and carried out a fraudulent collection action by way of the foreclosure and Substitute Trustee's attempted Non-Judicial Foreclosure Sale in violation of the Utah Finance Code sections 392.301(8) and 392.304 and other various State Laws in Ch. 27 - Fraud PLAINTIFFs believe either a conflict of interest or a conspiracy has taken place due to all alleged parties residing within the same address, and all using the same misinformation. SPS appears to have been motivated by the opportunity to seize valuable property with minimal effort or expenditure, and and has always and solely been motivated by opportunity in an ill regulated area of practice to generate and collect fees.

48. It would appear that the few Defendants living and working in Salt Lake City could hardly be responsible for the avalanche of affidavits, notices, filings, cases and appeals which issue from that address every month. PLAINTIFF has worked in the past in heavily automated processes, and it is not unusual to see a robot or collection of robots working assiduously on a vacant spot in an assembly line, since the artifact that would appear to be the object of work has been removed prior to that robotic station. This case appears to embody that situation of a case of no substance moving through the assembly area, with the robots generating fees by their mindless attention to motion, but nothing of substance being manufactured. The PLAINTIFFs believe that theirs is not the only case moving through the SPS automated system and method for electronic processing of default case files. Their system is patently ridiculous, of fraudulent nature and design, and plainly criminal in intent. PLAINTIFFs believe their claims, and the complaints of 989,642 others, will be validated during discovery, by examination of electronically stored information.

ARGUMENTS AND AUTHORITIES

50 Trespass by Deception and False Oath-

6:1 Then the Lord spoke to Moses: 6:2 "When a person sins and commits a trespass against the Lord by deceiving his fellow citizen in regard to something held in trust, or a pledge, or something stolen, or by extorting something from his fellow citizen, 6:3 or has found something lost and denies it and swears falsely concerning any one of the things that someone might do to sin- 6:4 when it happens that he sins and he is found guilty, then he must return whatever he had stolen, or whatever he had extorted, or the thing that he had held in trust, or

the lost thing that he had found, 6:5 or anything about which he swears falsely. He must restore it in full and add one-fifth to it; he must give it to its owner when he is found guilty. 6:6 Then he must bring his guilt offering to the Lord, a flawless ram from the flock, convertible into silver shekels, for a guilt offering to the priest. 6:7 So the priest will make atonement on his behalf before the Lord and he will be forgiven for whatever he has done to become guilty."

-Leviticus

50.1 Seizure of residential property, and correlated explosion of lender-owned real estate is a well known current issue of societal significance, in Utah and in the United States. Non-judicial foreclosure and seizure, especially, has grown well past the random statistical expectation in a normal business environment, and outcomes to this date heavily favor the seizure actions over the defense actions. At the same time, other large financial institutions of note have either failed to manage their risk and oversight responsibilities effectively and failed outright (WAMU, Countrywide, Ameriquest, PHH), been victimized by internal control fraud among their principals and have been dissolved (Bear Stearns, Lehman Brothers), or have paid ever increasing penalties and restitutions, amounting to hundreds of billions (Bank of America, Wells Fargo, SunTrust, Ally/GMAC, Citigroup, J P Morgan Chase, Ocwen, Deutsch Bank, Credit Suisse). Large financials allowed to continue despite the fraudulent activity of their past have in consideration of forbearance of criminal prosecution universally pledged restitution to their damaged parties and to conduct their future business affairs fairly and transparently, and for the benefit of the community. The community has deemed these institutions "too big to fail," and the Department Of Justice has by their inaction deemed these institutions "too big to jail." Nevertheless, the jails are now beginning to

fill with low-level non-violent offenders who only steal millions or hundreds of millions, from thousands or hundreds of thousands of people, but would never point a gun at a cash register clerk at 2:00 am and steal \$238 dollars and change. Damage to the security of the economic system, and damage to the citizens who depend on a well-regulated society in all aspects of their life, has been and is proportional.

51. Fraud in Utah Legal Code –

76-6-1203. Mortgage fraud.

A person commits the offense of mortgage fraud if the person does any of the following with the intent to defraud:

- | | |
|-----|---|
| (1) | knowingly makes any material misstatement, misrepresentation, or omission during the mortgage lending process, intending that it be relied upon by a mortgage lender, borrower, or any other party to the mortgage lending process; |
| (2) | knowingly uses or facilitates the use of any material misstatement, misrepresentation, or omission, during the mortgage lending process, intending that it be relied upon by a mortgage lender, borrower, or any other party to the mortgage lending process; |
| (3) | files or causes to be filed with any county recorder in Utah any document that the person knows contains a material misstatement, misrepresentation, or omission; or |
| (4) | receives any proceeds or any compensation in connection with a mortgage loan that the person knows resulted from a violation of this section. |

Enacted by Chapter 370, 2008 General Session

52. PLAINTIFF will address each of these elements individually in trial before jury and

supply evidence in support of each aspect.

53. [Deleted]

54. An analogous automated system is in use in a typical chicken processing plant, wherein chickens of various shapes and sizes, in various circumstance, are guided in at the entrance, and frozen chicken nuggets emerge from the other end of the plant, inspected by the FDA, uniformly shaped and packaged, stamped with a bar code ready for shipment and sale, nutritious and delicious. This is the business of a mortgage mill today.

CONCLUSION

Nonjudicial foreclosures are permitted by local statute in 29 states in America - Alabama, Alaska, Arizona, Arkansas, California, Colorado, District of Columbia, Georgia, Idaho, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wyoming, generally achieved through a power of sale clause within a trust deed. This process, in these venues, is generally considered a boon to civil order, and timeliness of commerce, and of no great complexity.

A judicial process of foreclosure, especially in cases of homestead dispute, is required in 21 states - Connecticut, Delaware, Florida, Hawaii, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, Vermont, and Wisconsin. These venues recognize that private ownership of real estate is a foundational right in America, and often disputed between parties, and rightly resolved by proper argument in a court of law.

Under judicial review, we believe that this process would have failed in Utah, and Alicia, our First Relator, would remain as proprietor and occupant of her home. We believe there are other CLASS members following Alicia. Alicia will prove her claim. Upon satisfactory demonstration, Alicia will move that the Court supply proper resources to certify and represent other CLASS members, under Alicia's direction.

In 1868, in America, we were recovering from a civil war, and the attendant widespread death and destruction in our own country. In addition, of especial aggravation, carpetbaggers were swarming into the South, burning out farmers, and seizing cultivated land by conquest. We Americans assembled and passed the Fourteenth Constitutional Amendment (there were only 13 in 1867), to clarify the Constitution that we all lived by, and to prohibit in no uncertain terms, the unlawful taking of land, without due process, from any American, by any other American. This Amendment remains in effect today, in the fifty states we call home, including Utah.

When the Court takes into account the Federal Constitution, the Federal Statutes and Case Law and applies them to the facts of this instant case and the documents relied on by the PLAINTIFF, and the active collusion and participation of counsel, it is clear why it is necessary to restrain Defendants' continuing well organized predatory behavior in the State of Utah, and in 28 other states of our CLASS. As a result of detailed information found during discovery, criminal actions are likely to be exposed and indictments will be sought for unrestrained and coordinated criminal conspiracy among the Defendants and their associates continuing today, and existent for past several years. Such behavior can only be addressed by the most forceful judicial review and enforcement action possible. A clear judicial response and directive will enable all enforcement resources of the community to be employed at all levels to eliminate this public hazard, achieve restitution to damaged parties of class, and arrest, sequester and rehabilitate the actors discovered.

Alicia Kesler is homeless today, by action of the DEFENDANTS. Of what value is your home?

PRAYER FOR RELIEF

WHEREFORE PLAINTIFF RESPECTFULLY REQUESTS:

101. That this Petition be filed and that a day be appointed for a hearing before jury on this matter;

102. That an order will be issued, restraining Defendants, or any of them, Defendants' officers, agents, servants, employees, and assigns, constables, sheriffs, Justices of the Peace, and attorneys from directly or indirectly taking, leasing, encumbering, selling, taking possession of, altering, or destroying any subject property, reporting or listing the subject property for any other sale, or otherwise disturbing or attempting to disturb PLAINTIFF's and other Members of CLASS peaceable possession and enjoyment of the subject property during the pendency of this cause; that an order be issued to seize all computers, hard drives, programs, statistical reports, daily activity logs of users, and any electronically stored information, written records and files at DEFENDANTS or their computer resource provider, to be forensically examined by a neutral and qualified Certified Fraud Examiner; that subpoenas be issued to elicit deposition testimony from Defendants and all John Does as identified during the discovery process; that an order be issued to seize all computers, hard drives, programs, statistical reports, daily activity logs of users, and any electronically stored information, written records and files at DEFENDANTS or their computer resource provider, to be forensically examined by a neutral and qualified Certified Fraud Examiner; that subpoenas be issued to elicit deposition testimony from DEFENDANTS and all John Does as identified during the discovery process; that a neutral and qualified resource be empowered to locate and

interview affected Members of CLASS as may be identified during discovery, or as may self-identify.

103. ~~That the Court sets a reasonable bond of One Dollar (attached) for the temporary restraining order;~~

104. That, after trial on the merits, the Court permanently enjoin DEFENDANTS, or any of them, DEFENDANTS' officers, agents, servants, employees, successors and assigns, constables, sheriffs, Justices of the Peace, and attorneys from directly or indirectly taking, leasing, encumbering, selling, taking possession of, altering, or destroying the subject property of the subject property, reporting the subject property for any other sale, or otherwise disturbing or attempting to disturb any Plaintiffs' peaceable possession and enjoyment of the property;

105. Damages in an amount not to exceed the jurisdictional limits of this Court, as decided by jury;

106. Economic Damages of Rescission or Restitution as demonstrated; [\$1,000,000, as confirmed in jure];

107. Punitive Damages; [\$100,000,000, or a sufficient amount to deplete all business assets of this fraudulently organized and corrupt business, as confirmed in jure]

108. Additional Treble Damages for all intentional and knowing violations; [\$3,000,000,

as confirmed in jure]; and Additional Double Damages for all intentional and knowing violations committed with the assistance of computer resources [\$6,000,000, as confirmed in jure];

109. Exemplary Damages; [\$1,000,000,000 or a sufficient amount to demonstrate and emphasize the cautionary message to associated financial community, as confirmed in jure];

111. Equitable Relief; [return of property seized in past fraudulent action, as confirmed in jure];

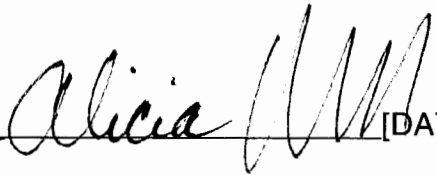
112. Costs of Court, and of bringing this action;

113. All other relief to which PLAINTIFFs and Members of CLASS are entitled; [censure and disbarment of actors];

114. PLAINTIFFs pray for general relief, and such other and further relief as this court deems just and proper.

Respectfully submitted

By /s/ Alicia Kesler

 [DATE] 6/11/18

Alicia Kesler, pro se, qui tam

5313 West Vista Peak Drive

West Jordan, Utah 84081

801.759.6657

aliciakesler@yahoo.com

Exhibits provided on DVD and website:

P-xx: Mortgage

P-xx: Deed of Trust

P-xx: Warranty Deed

P-xx:

P-xx: Tombstone Notice

P-xx: Payment Record, compiled of payments by Plaintiffs to Defendants, a

P-xx:

P-xx: Judge's Opinion in Case #05-9734 Federal Bankruptcy Court Southern District

Texas; OCWEN Consent Judgment District Court District of Columbia; Chase/JP

Morgan Consent Judgment District Court Eastern California; Citigroup Consent

Judgment; BAC Consent Judgment; General Judicial and Non Judicial Foreclosure

Information; David Stern Information; US Prosecutors Newsletter ref: Mortgage Fraud;
Homeowner's Rights Under Foreclosure

P-xx: Correspondence record between Plaintiffs and identified Defendants prior to this
action; and collection invoices of Plaintiffs to Defendants for recovery of resulting
expense in defense of fraudulent action, and all other communications to Defendants in
attempted resolution of this issue.

P-xx: Consumer Financial Protection Bureau Complaint #_____, and
DEFENDANTS response, posted _____. Plaintiffs have charged this
response as nonresponsive, and CFPB is now pursuing independent confirmation of
complaint.

P-xx: FINANCIAL CRISIS INQUIRY COMMISSION, THE FINANCIAL CRISIS INQUIRY
REPORT:FINAL REPORT OF THE NATIONAL COMMISSION ON THE CAUSES OF
THE FINANCIAL AND ECONOMIC CRISIS IN THE UNITED STATES, 165-69 (2011)

IN THE UNITED STATES DISTRICT COURT FOR UTAH

351 SOUTH WEST TEMPLE ROOM 1.100

SALT LAKE CITY UTAH

ALICIA KESLER, and CLASS]	
PLAINTIFF and FIRST RELATOR,]	
pro se, qui tam pro domino rege quam pro se]	
ipso in hac parte sequitur]	CIVIL ACTION NO.
v.]	
COUNTRYWIDE HOME LOANS,]	
SCOTT LUNDBERG ASSOCIATES,]	CV#_____

J. SCOTT LUNDBERG,]
ARGENT MORTGAGE,]
BACKMAN STEWART TITLE CORPORATION,]
FIRST FRANKLIN FINANCIAL CORPORATION,]
FIDELITY NATIOAL TITLE,]
PNC FINANCIAL SERVICES GROUP,]
One Time Owner by Acquisition of]
National City Mortgage Loan Trust 2005-1, and]
FIRST AMERICAN TITLE,]
SELECT PORTFOLIO SERVICING, and]
ANGELA ATENA, GREG OTT, GARY OTT,]
CHARLES BROWN & ASSOCIATES, PLLC,]
DBA dOCsOLUTION, INC.]
eTITLE INSURANCE, and]
SHELLPOINT, LLC, and]
MTGLQ INVESTORS]
NEW PENN FINANCIAL, LLC, dba]
SHELLPOINT MORTGAGE SERVICING,]
STEPHANIE WESSEL, KEVIN MORAN,]
MARISSA RAMSEY]
THE TRUSTEE COMPANY, and]
LUNDBERG & Associates, PC,]
RM LIFESTYLES ,]
JOHN DOE or MARY ROWE (10)]
DEFENDANTS]
<hr/>	

BY ORDER OF THE DISTRICT COURT OF UTAH

This cause is ordered set for trial by jury on _____,
2018.

All property seizures currently in motion in UTAH by PNC, SPS, SHELLPOINT, their

agents or representatives, whether judicial or non-judicial in origin, are hereby stayed pending resolution of this matter. No property seizures or sales are to proceed without specific release of stay by this court. PNC, SPS, AND SHELLPOINT, and their agents or representatives, are hereby directed to cease all adverse action, and produce and deliver for Court review all electronically stored information concerning current property seizures either contemplated or currently in motion in the State of UTAH.

Be it so ordered on this date by _____

United States District Judge

Dated _____, 2017

CERTIFICATE OF SERVICE

I certify that on [DATE _____], this true and correct copy of Plaintiff's Complaint for Rescission and Restitution was served on opposing counsel in accordance with the rules.

**PNC FINANCIAL SERVICES,
222 Delaware Avenue
Wilmington Delaware 19899**

**for SELECT PORTFOLIO SERVICING,
PO Box 65250
Salt Lake City, Utah 84165-0250**

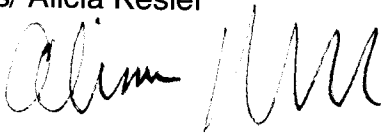
**for eTITLE INSURANCE,
3269 South Main Street #100
Salt Lake City, Utah 84115**

for SHELLPOINT MORTGAGE SERVICES
PO Box 10826
Greenville, SC 29603-0826

for TRUSTEE SERVICES, INC.
PO Box 10826
Greenville, SC 29603-0826

for LUNDBERG AND ASSOCIATES
3269 South Main Street #100
Salt Lake City, UT 84115

/s/ Alicia Kesler



DATE 6/11/18

Alicia Kesler, pro se, qui tam
5313 West Vista Peak Drive
West Jordan, Utah 84081
801.759.6657
aliciakesler@yahoo.com

This is a civil action FOR CIVIL RECOVERY ONLY. Any discovery of specific criminal activity of Defendants will be referred to Law Enforcement or Grand Jury in SALT LAKE COUNTY, UTAH, USA, The United States Department of Justice, or the United States Security and Exchange Commission, as appropriate.